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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,120	11/25/2003	David Tanner	2705-738	1268

20575 7590 04/06/2007

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EXAMINER	
JEAN GILLES, JUDE	
ART UNIT	**PAPER NUMBER**
2143	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/723,120	TANNER ET AL.	
	Examiner	Art Unit	
	Jude J. Jean-Gilles	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *01/19/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This office action is responsive to communication filed on 11/25/2032.

Information Disclosure Statement

1. The references listed on the Information Disclosure Statement submitted on 01/19/2007 have been considered by the examiner (see attached PTO-1449A).

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 38 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claim 38: Claim 27 recites the steps of "*A computer based programming tool for interactively configuring a network device, comprising: a component for providing a development environment; a text editing component co-functional with said development environment component, for editing a document wherein said document comprises a configuration for said network device; a user interface component co-functional with said development environment component, for displaying said document to said user and allowing said user to make a change to said document; a code generating component co-functional with said user interface component, for generating code corresponding to said change; a communication component co-functional with*

said code generator, for sending said change to said device." These steps fails to definitely recite a hardware executing the computer software, rendering the claim as recited only an abstract idea. The claim equates merely to a computer code or concept per se since "*A computer based programming tool*" in the context of the claimed invention are interpreted by the Examiner to represent computer code or concept, which does not have a practical application or tangible result.

Regarding claims 39-45: Claims 39-45 are also nonstatutory. The independent claims are nonstatutory because of the reason mention for the rejection of claim 38 and the dependent claims are nonstatutory because they depend on a nonstatutory base claim.

Appropriate correction is required. The above noticed problems are just exemplary. Applicant is required to totally check the application for error and correct the same.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-45** are rejected under 35 U.S.C. 102(e) as being anticipated by Beadles et al. (Beadles), Patent Pub. US 20030037040 B1.

Regarding **claims 1-45**, Beadles discloses:

1. A computer based method for interactively configuring a network device (figs. 2A-B) comprising:

displaying a document to a user of a client computer wherein said document comprises a configuration for said device in a text format and wherein said client computer is coupled via a network to said network device (0087-0089);

editing said document to make a change in said configuration (0055, 0059); and

sending said change in said configuration to said device (0057).

2. The computer based method as recited in Claim 1 further comprising requesting said configuration from said network device wherein said displaying is performed upon receiving said configuration in response to said request (0118).

3. The computer based method as recited in Claim 1 wherein said editing comprises said user changing text comprising said configuration document and wherein said editing is performed upon said client computer (0055, and 0059).

4. The computer based method as recited in Claim 1 wherein said editing comprises interacting with said network device (0045, 0055, and 0059; figs 1A-B).

5. The computer based method as recited in Claim 4 wherein said interacting comprises:

sending a first code component from said client computer to said network device; and

receiving a second code component from said network device at said client computer in response to said sending said first code component (0027, 0029, and 0045).

6. The computer based method as recited in Claim 5 wherein said interacting comprises

initiating an automatic completion of a command entered by said user into said text, wherein said first code component comprises a textual fragment of said command, wherein said second code component comprises said command in its entirety, and wherein said command in its entirety is added to said text (0027, 0029, and 0095).

7. The computer based method as recited in Claim 5 wherein said interacting comprises automatically displaying a list of commands that are appropriate to a position in said text, wherein said first code component requests said list, wherein said second code component comprises said list, wherein said list is displayed to said user, and wherein said user may select a command from said list for insertion into said text at said position (0027, 0029, 0095, and 0118).

8. The computer based method as recited in Claim 5 wherein said interacting comprises performing a syntax check, wherein said first code component initiates said syntax check, wherein said second code component comprises detection of an error in said configuration, and wherein said document is updated to display said error (0069, 0093, and 0094).

9. The computer based method as recited in Claim 1 further comprising sending said configuration in its entirety to said network device (0045, 0055, and 0059; figs 1A-B).

10. The computer based method as recited in Claim 1 wherein said sending said change in said configuration comprises sending said change in said configuration without sending an unchanged component of said configuration to said network device (0022, 0087-0089).

11. The computer based method as recited in Claim 10 wherein said sending

comprises:

forming a transport object wherein said transport object contains code comprising said change; and disposing said transport object within a transport medium (0047, and 0056).

12. The computer based method as recited in Claim 11 wherein said code comprises a command (0091, and 0097).

13. The computer based method as recited in Claim 12 wherein said command is rendered in Command Line Interface format (0091, and 0097).

14. The computer based method as recited in Claim 11 wherein said transport medium comprises an interface and wherein said interface substantially complies with Common Object Request Broker Architecture. Note that CORBA or Common Object Request Broker Architecture is a language-independent object model and specification for a distributed applications development environment, and it is inherent to the object of this invention.

15. The computer based method as recited in Claim 14 wherein said forming a transport object comprises embedding said code within a set of tags and wherein said tags comprise Extensible Markup Language markers (0091, and 0097).

16. The computer based method as recited in Claim 11 wherein said transport medium comprises a serial line interface. Note that RS-232 is the most common serial line interface. All personal computers have at least one RS-232 serial port and that inherently, system 10 comprises a serial line interface.

17. The computer based method as recited in Claim 11 wherein said transport medium comprises Telnet (0115, 0120).

18. The computer based method as recited in Claim 11 wherein said transport medium comprises Secure Shell. Note that secure shell is widely used by network administrators to control Web and other kinds of servers remotely.

19. A computer based system for interactively configuring a network device (figs, 1A-B, 2A-B), comprising:

an application for providing a development environment (0059-0060; 0110); a text editing tool co-functional with said development environment application, for editing a document wherein said document comprises a configuration for said network device (0056);

a user interface co-functional with said development environment application, for displaying said document to said user and allowing said user to make a change to said document (0087, and 0118);

a code generator co-functional with said user interface, for generating code corresponding to said change (0013, and 0087);

a communication module co-functional with said code generator, for sending said change to said device (0050-0053).

20. The computer based system as recited in Claim 19 further comprising an error handling module co-functional with said communication module, for detecting and handling an error in said change (0069, and 0093-0094).

Claims 21-26 are similar in scope to claims 2-13 and are rejected for the same reasons as claims 1-13.

27. A computer usable medium having a computer readable program code therein for causing a computer system to execute a method for configuring a device (figs. 1A-B, and 2A-B), said method comprising:

displaying a document to a user of a client computer upon a request by said user to said network device wherein said document comprises a configuration for said device in a text format and wherein said client computer is coupled via a network to said network device (0087, and 0118);

editing said document to make a change in said configuration wherein said editing comprises said user changing text comprising said configuration document and wherein said editing is performed upon said client computer and wherein said editing comprises interacting with said network device (0045, 0055, and 0059); and

sending said change in said configuration to said device (0057).

Claims 28-32 are similar in scope to claims 2-13 and are rejected for the same reasons as claims 1-13.

33. A computer based system for configuring a network device (figs. 1A-B, and 2A-B), comprising:

means for displaying a document to a user of a client computer upon receiving said

configuration in response to a request from said user wherein said document comprises a configuration for said device in a text format and wherein said client computer is coupled via a network to said network device (0087, and 0118);

means for editing said document to make a change in said configuration wherein said editing means comprise means for allowing said user to change text comprising said configuration document, wherein said editing means comprise an application running on said client computer and wherein said editing means cooperate with means for interacting with said network device (0045, 0055, and 0059); and

means for sending said change in said configuration to said device (0057).

Claims 34-37 are similar in scope to claims 2-13 and are rejected for the same reasons as claims 1-13.

38. A computer based programming tool for interactively configuring a network device (figs. 1A-B, and 2A-B), comprising:

a component for providing a development environment (0059-0060; 0110); a text editing component co-functional with said development environment component, for editing a document wherein said document comprises a configuration for said network device (0056);

a user interface component co-functional with said development environment component, for displaying said document to said user and allowing said user to make a change to said document(0087, and 0118);

a code generating component co-functional with said user interface component, for

generating code corresponding to said change (0013, and 0087);

a communication component co-functional with said code generator, for sending said change to said device (0050-0053).

Claims 39-45 are similar in scope to claims 2-13 and are rejected for the same reasons as claims 1-13.

Conclusion

6. **THIS ACTION IS MADE NON-FINAL**. The Examiner strongly anticipates a Final Rejection Office Action on the next response if amendments are not properly made to the claims to perhaps place them in condition for allowance.

Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-9000.

Jude Jean-Gilles

Patent Examiner

Art Unit 2143

DAVID WILEY
SUPERVISORY PATENT EXAMINER
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JJG

March 31, 2007